

ANIMAL WELFARE BOARD OF INDIA (AWBI)

AWBI Pet Dog and Street Dog 26.02.2015



MAJ. GEN. (Retd.) Dr. R. M. KHARB, AVSM
CHAIRMAN



ANIMAL WELFARE BOARD OF INDIA
Ministry of Environment, Forests and Climate Change, Govt. of India

भारतीय जीव जन्तु कल्याण बोर्ड
(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)

26th FEBRUARY, 2015

TO WHOM SO EVER IT MAY CONCERN

Guidelines- with respect to Pet & Street Dogs, and their Care-Givers, and for Residents' Welfare Associations and Apartment Owners Associations

These Guidelines are being issued in lieu of the Board's Circular dated 20th February, 2014, titled "Pet Dogs and Street Dogs – the Board's revised circular". The Circular dated 20th February, 2014, stands hereby withdrawn.

The Animal Welfare Board of India is a statutory body established in terms of Section 4 of the Prevention of Cruelty to Animals Act. This Advisory is being issued in pursuance of Section 9 (k) of the said Act.

As the number of people keeping dogs as household companions is increasing, and as animal lovers / activists are increasingly showing compassion for street dogs by feeding them, and providing veterinary and other support, conflicts may sometimes occur between pet owners and the care-givers of street dogs, on the one hand, and Resident Welfare Associations and Apartment Owners' Associations on the other hand.

Our country endorses the virtues of ahimsa and non-violence and these doctrines have always enabled people to peacefully co-exist with animals. Moreover, the duty to show compassion to all living creatures is a fundamental duty cast by Article 51A(g) of the Constitution upon all citizens of this country ; and the law of the land protects the rights of non-humans.

All points of view deserve consideration, and everybody is equal in the eyes of the law. The solution therefore lies in recognizing that, and treating differing points of view, and differing life-styles with respect. These Guidelines aims at achieving that.

Guidelines for Pet Owners:

1. Pet owners rightly consider their pets as family members. A pet is akin to a perennial toddler and therefore deserves the same attention throughout its life as that reserved for a human toddler during infancy. However, pet owners are advised to ensure that their pets are not a source of nuisance to others. In doing so, they may, however, distinguish between reasonable and

ANIMAL WELFARE BOARD OF INDIA (AWBI)

unreasonable, and lawful and unlawful claims as to their pets being a source of nuisance; and no amount of pressure should lead to an abandonment of a pet animal. Doing so is a violation of law.

2. Barking is a natural form of expression for a dog, and must and has to be tolerated in a society. However, incessant barking can disturb neighbors. Hence, pet owners are advised to make every effort to keep their dogs quiet, particularly during night hours.

3. Pet owners are advised to ensure that their pets are healthy, and clean. Adequate health care and regular vaccinations need be ensured. Sterilisation is advised as our country has excessive dog population.

4. Pet owners, or the other care-givers or dog walkers they entrust their pets to, are advised to either clean up when the pet defecates in public premises, or participate in other solutions for maintaining cleanliness. Such civic sense is the need of the hour in our country, and it is also a courtesy to other users of public spaces. Pet owners are advised to take the initiative to discuss with their RWAs, ways and means to dispose off pet excreta. For instance, pet corners can be designated, in which pets can be trained / encouraged to relieve themselves; and a corner of the complex / park can be designated as area where pet poop can be collected and deposited and composted, using sawdust, etc. Such behavior may generate positivity, and greater acceptability of pet dogs, and even street dogs. However, it is clarified that it is for each residential community and complex to decide which method works best for them, and solutions cannot be imposed on anybody.

5. Leashing of pets in public places is advisable. Leashing of dogs assures passersby that they are safe and makes them more comfortable when walking in the vicinity of an owner with his pet dog on a leash. Leashing also ensures the safety of the pet from being run over by vehicles on streets, or worse still, being the cause of accidents.

6. Whereas you cannot be debarred by RWAs or Apartment Owners' Associations from the use of lifts or elevators for your dogs, you are advised not to object to the use of 'alternate' lifts if there is more than one working lift or elevator in a building, which is conveniently accessible.

Guidelines for Care-givers of Street Dogs :

1. There are many people in India who feed stray and ownerless animals. Some dispose off their leftover food in this manner, and others compassionately prepare food for them. Those who feed street dogs are advised to participate in their sterilization, and yearly vaccination too, since they win the trust of the dogs through feeding them. They are also advised to provide, or to assist animal welfare organizations in providing health care to them.

ANIMAL WELFARE BOARD OF INDIA (AWBI)

2. Care-givers are advised not to feed street dogs close to residences not their own. They are also advised to avoid feeding street dogs immediately adjacent to areas in which children play, or people take walks, or that are otherwise crowded. Moreover, feeding must not be done in a manner that contributes to littering, or dirtying any feeding site. Care-givers are advised to clean up feeding sites after feeding is over.
3. Care-givers are advised to keep the sterilization and vaccination status of the dogs they are feeding and caring for, updated and readily accessible. Sharing the same with their residents welfare associations or other residents, generate positivity, and greater acceptability of the dogs.
4. Care-givers cannot control the defecation habits of the strays. However, they are advised to participate in other solutions for maintaining cleanliness.

Guidelines for Residents' Welfare Associations, Apartment Owners' Associations, etc. :

I. WITH RESPECT TO PET DOGS & PET OWNING RESIDENTS :-

Banning pets :

- a) Please bear in mind that even by obtaining consensus, or even if the majority of residents and occupiers want it, residents welfare associations & apartment owners associations cannot legally introduce any sort of 'ban' on the keeping of pet dogs. They cannot insist that 'small sized' dogs are acceptable, and 'large sized' dogs are not. They cannot cite dog barking as a valid and compelling reason for any proposed ban or restriction.
- b) If the residents or occupiers that have pets are not violating any municipal or other laws, it is not permissible for residents welfare associations & apartment owners associations to object to their having pets as companions. The general body cannot frame bye-laws or amend them in a manner that is at variance with the laws of the country. Even by a complete majority, a general body cannot adopt an illegality.
- c) Please therefore bear in mind that even by amending bye-laws or regulations or otherwise, such a 'ban' cannot be put into place since it is illegal, and does not have the sanction of law. In fact, in trying to 'ban' pets, or limit their number, residents' welfare associations & apartment owners associations interfere with a fundamental freedom guaranteed to the citizens of India, i.e. the freedom to choose the life they wish to live, which includes facets such as living with or without companion animals.

Use of lifts by pets :

- d) Residents welfare associations & apartment owners associations cannot disallow pets from the use of lifts ; and no charges can be imposed by them either.

ANIMAL WELFARE BOARD OF INDIA (AWBI)

Use of parks by pets :

- e) Seeking to ban pets from gardens or parks, is short-sighted. Firstly, you may or may not have any manner of right over the garden or park in question. Secondly, pets that are not properly exercised may exhibit aggressive conduct in frustration; and that cannot contribute to the benefit of the residents. It may be better to arrive by consensus at timings acceptable to all residents, when pets can be walked without inconvenience to other residents. These timings can then be intimated to the general body.

Use of leashes/muzzles by pet owners, defecation by pets in community premises, imposition of fines and other similar measures :

- f) Pet owners are advised to and must leash their pets in all common areas. However, residents welfare associations & apartment owners associations cannot insist on the use of muzzles. Please do remember, the law already provides for penalties for negligent pet owners, which the aggrieved parties can avail of.
- g) Please bear in mind that in the absence of central or state laws requiring cleaning of pet excreta by pet owners, residents welfare associations & apartment owners associations cannot impose any rule, regulation or bye-law, with respect to the same, or impose special charges or fines on pet owners. They can, however, request them to do so. The Board also recommends to and advises all pet owning residents to accept reasonable and lawful requests to participate in solutions aimed at peaceful community living.
- h) Pet owners are advised to 'scoop the poop', or together with residents welfare associations & apartment owners associations, and other residents, experiment with the creation of pet defecation areas within community premises, or arrive at other imaginative solutions through consensus. Residents welfare associations & apartment owners associations cannot however impose fines and special charges of any kind on pet owners, because there is no mandate in law for the same.

Intimidation:

- i) Lastly, please bear in mind that if any association succeeds in intimidating a pet owner into 'giving up' or 'abandoning' a pet, it will actually have abetted violation of law; and may well be aggravating the menace of ownerless animals on the street, that are not accustomed to living on the street and therefore get involved in and lead to accidents, injuries and deaths. Please also bear in mind that intimidation is an offense in law.

II. WITH RESPECT TO STREET DOGS:-

- 1) Beating and driving away street dogs, is NOT ALLOWED; animal birth control and release back into same locality/territory, is ALLOWED:

ANIMAL WELFARE BOARD OF INDIA (AWBI)

As per Indian law street dogs (i.e. stray dogs) cannot be beaten or driven away or dumped elsewhere or killed. They can merely be sterilized in the manner envisaged in the Animal Birth Control (Dogs) Rules, 2001, vaccinated, and then returned back to their original locations. For the area-wise sterilization program that the law mandates shall be followed, dogs have to be returned back to their original habitat after sterilization and immunization.

- 2) The rationale behind release back of street dogs into the same locality/territory after sterilization and vaccination:

Dogs, being territorial in nature, tend to fight off other dogs, and keep them from entering their territories ; and in this manner, the dog population in each territory / within each locale, stabilizes.

- 3) Street dog feeding, whether inside or outside community premises and gated complexes:

There is no law that prohibits the feeding of street animals. Citizens who choose to do so are in fact performing a duty cast upon them by the Constitution of India - of showing compassion to all living creatures. Courts have upheld street dog feeding since the same reduces human - animal conflict and suspicion, and facilitates animal birth control (by making dog catching easier).

- 4) Animal cruelty:

Please also note, animal cruelty is an offence – under Section 11 of the Prevention of Cruelty to Animals Act, and Sections 428 and 429 of the Indian Penal Code – punishable with imprisonment and fine.

- 5) Intimidation:

Attempts to interfere with, or harass persons who choose to look after and feed community dogs, maybe tantamount to the very grave offence of criminal intimidation.

- 6) Aggression to dogs, counterproductive:

Last but not the least : any aggression or hostility that the dogs may be subjected to, may render them aggressive, and hostile to humans. They may then resort to snapping and biting in self-defense. If the same happens, the human aggressors shall be the only ones to blame.



Maj. Gen. (Dr.) R. M. Kharb, AVSM, (Retd.)
Chairman, AWBI

ANIMAL WELFARE BOARD OF INDIA (AWBI)

AWBI-Removal of Community Dogs (03.03.2008)



ANIMAL WELFARE BOARD OF INDIA
(Ministry of Environment and Forests, Govt. of India)

D. RAJASEKAR, IFS
Secretary

D.O. AWBI / PCA/ Dated 3.3.08

TO WHOMSOEVER IT MAY CONCERN

Animal Welfare Board of India, a statutory body was constituted under the Prevention of Cruelty to Animal Act, 1960, an act of Parliament in order to promote of animal welfare generally and for protecting animals from being subjected to unnecessary pain or suffering. AWBI has been implementing various animal welfare schemes and enacting and implementing various acts and rules framed under Prevention of Cruelty to Animal Act, 1960.

As you are aware that Govt. of India Notified the Animal Birth Control (Dogs) Rules, 2001, under the PCA Act, 1960 vide the Gazette of India: Extra Ordinary Part II – Sec. 3 – sub. II dated 24th Dec. 2001 to implement sterilization and vaccination of stray / community dogs to control the dog population.

As per the Department of Personnel & Training, Ministry of Personnel, Public Grievances and Pensions, New Delhi letter no.F.No.30/9/2006-WELFARE dated 26.5.2006, it is informed that “if any Govt. Servant indulges in act of cruelty to animals he will be making himself liable for action under Prevention of Cruelty to Animals Act. Besides, punishment under the Act, he would also make himself liable for action under CCS (Conduct) Rules for conduct unbecoming of a Govt. Servant.

It may be noted that for dealing with the problem of stray animals, there are designated agencies in Govt./local self-government organizations etc. Such Organisations regularly undertake inoculations, sterilization of female animals etc. Recognised Associations in Govt. colonies may approach such Institutions for redressal of their grievances.

All the problems of stray animals have to be handled within the institutional framework available and no association, recognized or unrecognized, shall take recourse to action on their own, either themselves or through any person employed by them like security guards etc.

Therefore, you are directed not to remove the community dogs from the any place as it is illegal and violation of above said rules. This amounts to cruelty to animals as per PCA Act and is a punishable offence. However, it is suggested that you may take help of recognized NGOs (List of AWO's in your state is available in the website www.awbi.org) conducting ABC Programme for taking up Sterilization and immunization of stray dogs in the place to manage their population and to implement the provisions of Animal Birth Control (Dogs) Rules, 2001 in letter and spirit.

You are requested to issue proper instructions to the concerned authority in this regard.

Yours truly

Rajasekar
Secretary
सचिव
Animal Welfare Board of India
आर्योपि जीव जन्तु कल्याण बोर्ड

ANIMAL WELFARE BOARD OF INDIA (AWBI)

Guidelines for Feeding of Stray Dogs (27.01.2010)



ANIMAL WELFARE BOARD OF INDIA

भारतीय जीव जन्तु कल्याण बोर्ड

(Ministry of Environment and Forests, Govt. of India)
(पर्यावरण एवं वन मंत्रालय, भारत सरकार)

MAJ. GEN. (Retd.) Dr. R. M. KHARB, AVSM
CHAIRMAN

D.O. No. 101-2007-COAWBI

27 Jan, 2010

Dear Anjali ji,

Subject: The order passed by Hon'ble Justice V.K. Jain on 18.12.2009, in the stray dog feeding matters

The Board has deliberated upon the order passed by the Hon'ble Court. Known facets of dog behavior and the views of experts have been taken into account before arriving at certain guidelines (enclosed) that we want to issue to persons who feed stray dogs, and to Animal Welfare Organizations. A copy of this letter is therefore being marked to the lawyer representing the petitioners. Kindly also share these guidelines with the lawyers representing other parties, such as the Delhi police, M.C.D., etc. We shall be circulating these among the Animal Welfare Organizations registered with us. They shall also be shared with the Residents' Welfare Associations and similar bodies.

We trust that eventually, the objective that we are seeking to achieve, of reducing stray dog population, and controlling the spread of rabies, shall be achieved with minimum inconvenience to residents.

With regards,

[Signature]
Yours Sincerely
(Dr. R.M. Kharb)
Maj. Gen. (Retd.), AVSM
Chairman, AWBI

Mrs. Anjali Sharma, Advocate
Chamber No. 334
Delhi High Court
New Delhi-110003

Copy to:
Mr. Kanchan Singh,
Advocate for petitioners
And
Advocates representing the other parties in these matters

ANIMAL WELFARE BOARD OF INDIA (AWBI)



2
ANIMAL WELFARE BOARD OF INDIA
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GUIDELINES FOR FEEDING STRAY DOGS IN RESIDENTIAL AND OTHER LOCALITIES

Feeding of stray dogs may lead to some inconvenience for residents, especially those residents who do not like dogs. However, the purpose sought to be achieved through feeding, of confining dogs to the localities they inhabit to make sterilization and yearly vaccination possible, and thereby bring down stray dog population and control rabies, is far more important, and for the larger public good.

The Animal Welfare Board of India is of the view that when earmarking spots / sites for the feeding of stray dogs, the following considerations must be kept in mind :

- (i) Community dogs must be fed and tended to at places which are not frequented, or less frequented, and sparingly used by the general public and residents. This will minimize inconvenience to both, humans, and the dogs themselves, since it has been noticed that these dogs, especially when possessed of food, tend to avoid crowded places and places where noise levels are high. By their intrinsic nature they tend to retreat with eatables to secluded spots away from such places. Avoid areas therefore, that are immediately adjacent to spots in which the public / residents congregate in large numbers.
- (ii) Dogs are territorial by nature and cannot all be herded into one spot for the purpose of feeding them. They must not therefore be sought to be so herded. (Needless to state, seeking to do so will lead to dog fights, probably dog bites, and hence tremendous inconvenience for residents.)
- (iii) Public causeways, public streets, pedestrian paths, and foot paths which are regularly used by public and residents for commuting are to be avoided while feeding community dogs. However, if public land is available adjacent to the above the feeding should be done on the same.
- (iv) The common / public area immediately abutting the entrance to flats/houses must be avoided for feeding dogs, except where the residents have no objection to the same. Any person having compassion for the stray dogs may permit them to be fed or feed them at his/her private entrance / porch / driveway / of his/her house or any other place not shared with other residents.
- (v) Effort should be made, where service lanes are existent, to feed the dogs on these, as service lanes are not frequently used for ingress and egress. Areas adjacent to the boundary walls of the houses which are not used for passage or do not have any

ANIMAL WELFARE BOARD OF INDIA (AWBI)

exit/entry points should also be used for feeding. Likewise, vacant lands may be used for this purpose.

- (vi) Feeding ought, as far as possible, be undertaken at a time when the density of human population tends to be minimal. Such time may vary in every locality, and the local volunteers, in consultation with the notified A.W.O, working in that area may set such timings and inform the Board of the same. (It is clarified that the above timing is restricted, and applies only to feeding. It does not, and should not extend to the wider task of tending to community dogs, which includes vaccinations, inoculations, sterilizations, treatment of ill and ailing dogs.)
- (vii) Feeding should not be undertaken more than twice daily (except for dogs who are sick and ailing and need special attention or under the advice of the veterinary doctor). Dogs which, for unavoidable reasons, have not been fed at the time earmarked for the same, must be fed if spotted, with minimum inconvenience to the general public, since hungry dogs tend to venture close to houses/cateries in search of food, which people may not like.
- (viii) Feeding must, without exception, be undertaken in the most hygienic manner. Clean bowls for both food and water must be used. It must be ensured that no bowls, eatables and packets are left behind after feeding is over. No littering must be caused. Water bowls are placed for regular and recurring thirst of the dogs must be cleaned and replaced with fresh and clean water at regular intervals.

The Board is of the view that careful adherence to these guidelines will help in achieving the objective stated above, while causing minimum inconvenience to the general public.



The Animal Welfare Board of India is an umbrella of the SPCAs / AWOs and animal welfare workers. The Board encourages animal welfare activities, advises the Central and State Governments on issues relating to Animal Welfare, particularly the prevention of cruelty to animals, and also helps to formulate animal welfare policies / legislations.

From the Secretary's desk

The major work in Animal Welfare Board of India (AWBI) has been to release grants to the Animal Welfare Organizations recognized by the Board. Last financial year has seen tremendous increase in release of grants, that included all previous year balances also.

The Board grants recognition to the Animal Welfare Organisations (AWOs) that submit the necessary documents like registration certificate under the Societies Registration Act or Trust Act, Audited Statement of Accounts and Annual Reports, copies of Memorandum of Association / Bye-laws and Animal Welfare Activities Report etc. The AWOs will be inspected by Board Members / authorized inspection agencies for their animal welfare work and after, the inspection report is found satisfactory, the AWO will be recognized by the Board. Even initial grant of Rs.10,000/- is given as a token of recognition to further animal welfare activities.

During the current year (2009-10), the Board recognized 145 Animal Welfare Organisations. As on 31st March, 2010, the Board has granted recognition to 2,805 organisations so far.

The Board has released an amount of Rs.6.75 crores to 860 AWOs as Regular Grant and got an additional grant of Rs.6.03 crores to release the backlog cases of cattle rescue, regular grant and initial grant of previous years. The same is being done in this year as well to clear all complete cases. Shelter House grant amounting to Rs.1063.81 lakhs were given to 115 AWOs and Ambulance grant were released to an extent of Rs.299.43 lakhs to 72 AWOs. An amount of Rs.392.70 lakhs was released to 37 AWOs and 20 municipalities as Animal Birth Control (ABC) Programme grant. The Natural Calamity grant of Rs.37.95 lakhs was released to 26 AWOs.

The statewide details are Andhra Pradesh - 26, Assam - 3, Bihar - 9, Goa-8, Gujarat - 63, Haryana - 160, Jharkhand -4, Karnataka - 14, Kerala - 2, Maharashtra - 52, Madhya Pradesh -

AWBI Newsletter

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RNI No. TNBIL2003/10675

April 2010

High Court approved guidelines for feeding stray dogs

New Delhi: Dogs are intelligent, friendly and faithful companions and are also known as the best guards. The Delhi High Court granted approval to new guidelines prepared by the Animal Welfare Board of India for feeding stray dogs in the capital. The guidelines says that stray dogs should be fed at places which are not frequented or less frequented and sparingly used by the general public.

The other features of the guidelines are: dogs should not be herded at a particular spot for the purpose of feeding; public causeways, public streets, pedestrian paths and footpaths are to be avoided; common/public area immediately abutting the entrance to flats/houses must be avoided; feeding should be undertaken at a time when the density of human population is minimal; feeding should be undertaken more than twice a day and in a hygienic manner.

The Court had last year directed the Animal Welfare Board to designate places in different localities in the city where animal lovers could feed these dogs without being harassed by the residents. Holding that feeding stray dogs is both lawful and helpful, Justice Jain had also directed the Delhi Police to give protection to animal lovers who wanted to feed stray dogs. "Feeding dogs makes them friendly and easier to handle, and citizens are free to feed dogs in areas to be decided by the Animal Welfare Board," Justice Jain had said.

The Court had passed the order on a bunch of petitions by Delhi based animal lovers seeking protection to feed stray dogs. The petitioners had approached the Court after they were harassed and threatened by the residents of their colonies for giving food to stray dogs.

The common argument of the petitioners was that it was their statutory right to feed stray dogs under the Central regulations and rules for taking care of animals. They had further argued that taking care of stray dogs would facilitate their vaccination and sterilisation which would keep them healthy and control their population. It was also their Constitutional duty to show compassion to animals, the counsel for the petitioners said.



ORDER OF THE HON'BLE HIGH COURT

Hon'ble High Court of New Delhi has issued the order on 18.12.2010 for feeding the stray dogs. In the order stated that "the Animal Welfare Board of India should identify, in consultation with the Residents Welfare Association, Area SHO and the Animal Welfare Organisation working in that area, the spots/sites, which in its opinion, would be most suitable for the purpose of feeding dogs".

Further stated that the "Animal Welfare Board of India shall identify suitable sites in the colonies, subject matter of these petitions, within four weeks from today. It shall also try to cover as many more colonies as it can during that period".

Hon'ble Court also directed that "the Delhi Police will ensure that no harm is caused to the volunteers of Animal Welfare Organisations feeding dogs in these localities provided that they feed them only during hours to be specified by Animal Welfare Board and provided further that as soon as suitable sites for feeding the dogs are identified, these organizations will feed dogs only on those identified sites and at hours specified by Animal Welfare Board".